

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

July 31, 2006

- C037000 THE PEOPLE v. ALCALA (Not for Publication)**
The order requiring defendant to register as a sex offender pursuant to section 290, subdivision (a) (1) is reversed, and the matter is remanded to the trial court... In all other respects, the judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Morrison, J.
- C047328 THE PEOPLE v. BENHAM (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
 Butz, J.
- C048461 THE PEOPLE v. HOLBROOK (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment accordingly, and to forward a certified copy to the Department of Corrections and Rehabilitation.
MORRISON, J.
We Concur: Scotland, P.J.
 Butz, J.
- C049453 THE PEOPLE v. VANCE (CERTIFIED FOR PUBLICATION)**
The judgment is reversed.
CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
 Morrison, J.
- C050428 THE PEOPLE v. BROWN (Not for Publication)**
The matter is remanded to the trial court...
... In all other respects, the judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
 Sims, J.
- C051592 THE PEOPLE v. TAYLOR (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Sims, Acting P.J.
 Raye, J.

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The Minutes

July 31, 2006, continued

- C048553 COUNTY OF MODOC v. LOBUE (Not for Publication)**
The judgment is affirmed. Lobue shall pay the County's cost of this appeal. (Cal. Rules of Court, rule 27 (a).)
Morrison, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C049124 JAMES v. LEUS, as Executor, etc., et al. and YOUNG as Administrator, etc. (Not for Publication)**
The probate court's order filed on February 16, 2005, is affirmed. Leus's appeal is dismissed to the extent it purports to appeal from the probate court's orders of July 16, 2004, and December 9, 2004.
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C049957 NNN 4241 BOWLING GREEN 10, LLC et al. v. FERGUSON JANITORIAL & CARPET CLEANING (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to Ferguson Janitorial and Carpet Cleaning. (Cal. Rules of Court, rule 27 (a).)
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C050065 WIRTH et al. v. STATE OF CALIFORNIA et al. (Not for Publication)**
The judgment denying the petition for writ of mandate is affirmed. Defendants shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a) (2) .)
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C051456 WALKER v. GREGERSEN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Davis, J.

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The Minutes

August 1, 2006, continued

- C048982 THE PEOPLE v. ARBO (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Davis, J.
- C050026 THE PEOPLE v. MILLER (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Hull, J.
- C050334 THE PEOPLE v. KRIER (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Davis, Acting P.J.
Hull, J.
- C049444 GREER v. BUZGHEIA (Certified for Partial Publication)**
The judgment and the order denying the motion for JNOV are each affirmed. Plaintiff shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
BUTZ, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C049472 WITTE v. KAUFMAN et al. (Certified for Partial Publication)**
The orders granting defendants' special motions to strike under the anti-SLAPP statute are affirmed... The parties shall bear their own costs on appeal.
Hull, J.
We Concur: Raye, Acting P.J.
Morrison, J.
- C049460 THE PEOPLE v. STOGSDILL**
BY THE COURT:
Appellant's petition for rehearing is denied.
HULL, Acting P.J.
- C052970 WIMBERLY v. WORLD BOOK INCORPORATED et al.**
BY THE COURT:
Appellant's requested to reinstate is denied.
SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

August 2, 2006

MISC. ORDER 2006-009

Associate Justice Rodney Davis is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on August 7, 2006, and August 8, 2006, or until his return. (See Cal, Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

MISC. ORDER 2006-010

Associate Justice Vance W. Raye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on August 9, 2006, and August 10, 2006, or until his return. (See Cal, Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

C050607 THE PEOPLE v. AHMADZAA (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.

C051265 THE PEOPLE v. SIMON (Not for Publication)

The order granting probation is modified by striking the condition requiring defendant to register as an arson offender. As modified, the judgment (order) is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.
 Morrison, J.

C051365 THE PEOPLE v. SAIZ (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.
 Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

August 2, 2006, continued

- C048336 THE PEOPLE v. UNION PACIFIC RAILROAD COMPANY et al. (CERTIFIED FOR PUBLICATION)**
- The judgment is reversed, and the cause is remanded to the trial court for further proceedings consistent with this opinion. Union Pacific and Chemical Lime shall reimburse the People for costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
- SCOTLAND, P.J.
- We Concur: Morrison, J.
- Cantil-Sakauye, J.
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- C049090 NORTH STATE LAND MANAGEMENT, INC. v. CALPRUNE (Not for Publication)**
- The summary judgment is reversed. The superior court is directed to enter an order exonerating the bond. CalPrune shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a)(1).)
- ROBIE, Acting P.J.
- We Concur: Butz, J.
- Cantil-Sakauye, J.

August 3, 2006

- C048126 THE PEOPLE v. HUDSON (Not for Publication)**
- The judgment of conviction for sale of cocaine base is affirmed. Defendant's sentence is vacated and the matter is remanded for retrial only to determine whether defendant's Missouri convictions for burglary and stealing without consent constituted felonies under California Law and to resentence defendant accordingly.
- CANTIL-SAKAUYE, J.
- We Concur: Sims, Acting P.J.
- Raye, J.
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- C048191 THE PEOPLE v. CASTANEDA (Not for Publication)**
- The judgment is affirmed.
- HULL, J.
- We Concur: Sims, Acting P.J.
- Davis, J.
-
- C048928 THE PEOPLE v. BABIY (Not for Publication)**
- The judgment is affirmed.
- SCOTLAND, P.J.
- We Concur: Davis, J.
- Robie, J.

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The Minutes

August 3, 2006, continued

- C049031 THE PEOPLE v. LEAKE (Not for Publication)**
The judgment of commitment is affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C049253 THE PEOPLE v. HARVEY (Not for Publication)**
The \$10 fine imposed pursuant to Penal Code section 1202.5, subdivision (a) for defendant's burglary conviction is stayed... As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this change and to forward a copy to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Scotland, P.J.
Robie, J.
- C049340 DAIMLERCHRYSLER MOTORS COMPANY et al. v. LEW WILLIAMS, INC. et al. (Not for Publication)**
The trial court's order denying Keil's anti-SLAPP motion is affirmed. Costs on appeal are awarded to DaimlerChrysler. (Cal. Rules of Court, rule 27 (a)(1).
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C049978 In re JASON D.; THE PEOPLE v. JASON D. (Not for Publication)**
The wardship adjudication and dispositional orders are affirmed. The matter is remanded to the juvenile court for a new restitution hearing consistent with this opinion.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Robie, J.

August 4, 2006

- C049628 THE PEOPLE v. HALL (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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August 4, 2006, continued

- C051264 THE PEOPLE v. PERKINS (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.
- C051780 THE PEOPLE v. TRUONG (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C051268 In re EMILLIO O.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. TAMARA O. (Not for Publication)**
The juvenile court's order is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.
- C051923 In re THOMAS W.; CALAVERAS COUNTY WORKS AND HUMAN SERVICES
AGENCY v. PAULA G. (Not for Publication)**
The order terminating appellant's parental rights and freeing the minor for
adoption is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.
- C052176 In re TYLER C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. PAUL W. (Not for Publication)**
The order are affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.
- C053077 THE PEOPLE v. STANLEY
C053188 BY THE COURT:**
Good cause appearing, it is ordered that the above cases be
consolidated. All further filings will bear the number C053077.
SCOTLAND, P.J.